



WISCONSIN STATE REPRESENTATIVE
Louis J. Molepske, Jr.
71ST ASSEMBLY DISTRICT

ASSEMBLY BILL 245

I. Current Law

- A. Under Wisconsin Statute Section 920.203, it is a Class H felony to "intentionally cause bodily harm or threaten to cause bodily harm to the person or family member of any judge."
- i. For a Class H Felony, the penalty is a fine of up to \$10,000, or imprisonment of up to 6 years, or both; however, for a repeat offender, the term of imprisonment may increase up to 2 years with prior misdemeanor convictions, and up to 6 years with a prior felony conviction.

II. The Need for Change

- A. While the court room may not seem like a dangerous place, court officials voluntarily place both themselves and their families in harm's ways each and every day in order to bring criminals to justice and resolve civil disputes.
- i. Courts in Atlanta, Georgia and Reno, Nevada have both experienced horrific incidents of violence in the past few years.
- ii. Three recent incidents in Fond du Lac County, Dodge County and Dunn County (threats to judges) have further underscored the dangers that our public servants face in the court room on a daily basis.
- iii. Many Wisconsin counties lack the resources to place metal detectors in every courthouse and deputies in every courtroom.
- B. As stated above, in recognition of this fact, our state laws make it a Class H felony to harm or threaten to harm judges and their families. Under current law, *these same protections are not afforded to district attorneys, assistant district attorneys and their families.*
- i. Judges and district attorneys share the same courtrooms and face the same defendants.
- ii. District attorneys and assistant district attorneys are Wisconsinites' voices in criminal trials and they play a critical role in the criminal justice system: they are the ones that

prosecute criminals like sex offenders, methamphetamine producers and dive into violent domestic situations.

- a. Moreover, district attorneys have the sole discretion to decide what cases are prosecuted, a power that is sure to draw the ire of many accused criminals.
- iii. Racine County's District Attorney Office has dealt with several threats in recent years, mainly in regards to the prosecution of drug-related crimes.
- iv. In 2001, Douglas County District Attorney Dan Blank's home was firebombed by a jailed drug leader that he was prosecuting. Fortunately, nobody was injured.
- v. It is thought that many other threats against district attorney's occur but are not reported because it is simply thought of as "part of the job."

III. Assembly Bill 245

- A. Assembly Bill 245 adds district attorneys and their families to the protections currently afforded to judges and their families under Wisconsin Statute Section 940.203(2).
- B. This proposal would reflect the potential criminal influence that is already outlined for Wisconsin Judges and their families.
- C. This Bill is not expected to have any fiscal implication on the State of Wisconsin.
- D. AB-245 is supported by the *Association of State Prosecutors*, the *Milwaukee Police Association*, the *Wisconsin Sheriffs and Deputy Sheriffs Association*, the *Wisconsin District Attorney Association* and the *Wisconsin Chief of Police Association*.

Respectfully submitted,



Louis Molepske, Jr.
State Representative
71st Assembly District



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE SHERYL ALBERS

FROM: Anne Sappenfield, Senior Staff Attorney

RE: Penalties Under Current Law and 2007 Assembly Bills 245, 269, 282, and 525 for Threats Against Certain Persons

DATE: December 4, 2007 (Revised December 5, 2007)

Attached to this memorandum is a table setting forth the penalties under current law and 2007 Assembly Bills 245, 269, 282, and 525, relating to threats against certain persons.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

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Attachment

ATTACHMENT

Penalties for Offenses Relating to Threatening Certain Persons

<i>Offense</i>	<i>Penalty</i>
Battery or threat to a witness or a family member of a witness [s. 940.201, Stats.]	Class H felony
Battery or threat to a judge or a family member of a judge [s. 940.203, Stats.]	Class H felony
Battery or threat to a Department of Revenue employee or a family member of an employee [s. 940.205, Stats.]	Class H felony
Battery or threat to a Department of Commerce or Department of Workforce Development employee or a family member of an employee [s. 940.207, Stats.]	Class H felony
Battery or threat to a district attorney (DA) or a family member of a DA [2007 Assembly Bill 245]	Class H felony
Threat to a social service worker, juvenile intake worker, or child support worker [2007 Assembly Bill 269]	Class A misdemeanor
Threat to a school official [2007 Assembly Bill 282]	Class I felony
Battery or threat to an employee of a first-class city [2007 Assembly Bill 525]	Class H felony